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| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>  |  | ATTORNEY'S DOCKET NUMBER<br><b>AP035-04</b>                          |
| INTERNATIONAL APPLICATION NO.<br><b>PCT/EP03/02839</b>   | INTERNATIONAL FILING DATE<br><b>03/19/2003</b> | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><b>10/509,532</b> |
| TITLE OF INVENTION<br><b>SEDIMENTATION BASIN</b>   |  | PRIORITY DATE CLAIMED<br><b>04/04/2002</b>                           |
| APPLICANT(S) FOR DO/EO/US<br><b>Martin Armbruster</b>  |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:  |  |  |
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))               <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>Return Receipt Postcard; Response to Notice of Missing Requirements</b></li> </ol> |  |  |

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#6

with  
Surcharge

APPLICANT: Martin Armbruster

TITLE: SEDIMENTATION BASIN

SERIAL NO.: 10/509,532

INTERNATIONAL APPLICATION NO.: PCT/EP03/02839

INTERNATIONAL FILING DATE: 03/19/2003

AGENT DOCKET NO.: AP035-04

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. 371****May 16, 2005**Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Honorable Sir:

This response is submitted in conjunction with a copy of the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US).

In response to the NOTIFICATION OF MISSING REQUIREMENTS dated 03/30/2005, the following amendments and/or remarks are respectfully submitted in connection with above-identified application:

**REMARKS**

The Applicant appreciates the courteous and complete examination of the application by the Examiner. In view of the foregoing amendments and/or the following remarks, a reconsideration of the instant application is respectfully requested.

The NOTIFICATION OF MISSING REQUIREMENTS indicated that an additional claim fees of **\$1250.00** for 50 total claims over 20, as a small entity, or cancel the additional claims for which fees are due, is required. A preliminary amendment filed under 37 CFR § 1.115 is submitted herewith in accordance with the Revised Amendment Format under the waiver of 37 C.F.R. § 1.121, wherein the filed preliminary amendment cancels the originally filed claims 1-18 and adds new claims 19-38 which removes the multiple dependent claim, thereby removing the additional claim fee.

Additionally, the NOTIFICATION OF MISSING REQUIREMENTS also indicated that a new oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and a surcharge of **\$65.00** for providing the oath and declaration later than 30 months from the priority date, is required. The Applicant submits a cheque for \$65.00, a new oath or declaration signed by the inventor(s) which identifies the application which it is directed, a preliminary amendment removing the multiple dependent claim, and a copy of the NOTIFICATION OF MISSING REQUIREMENTS, thereby meeting the requirements of the Notification and 35 U.S.C. 371.

With the above amendments and/or remarks being fully responsive to all outstanding rejections and formal requirements, it is respectfully submitted that the application is now complete under 35 U.S.C. 371, and a new filing receipt is earnestly solicited. Should the Examiner feel that there are further issues which might be resolved by means of telephone interview, he is cordially invited to telephone the undersigned at 727-345-1450.

Respectfully Submitted,



David A. Guerra, Reg. 46,443

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

On (Date) 5/16/2005 by David A. Guerra 



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|   |  |                              |
|---|--|------------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/509,532       | FIRST NAMED APPLICANT<br>Martin Armbruster | ATTY. DOCKET NO.<br>AP035-04 |
| INTERNATIONAL APPLICATION NO.<br>PCT/EP03/02839 |  |                              |
| IA. FILING DATE<br>03/19/2003                   | PRIORITY DATE<br>04/04/2002                |                              |

29689  
 DAVID A. GUERRA  
 933 OLANDER WAY SOUTH, SUITE 3  
 SOUTH PASADENA, FL 33707

CONFIRMATION NO. 2784

371 FORMALITIES LETTER



\*OC000000015601497\*

Date Mailed: 03/30/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/23/2004
- English Translation of the IA filed on 09/23/2004
- Copy of the International Search Report filed on 09/23/2004
- Information Disclosure Statements filed on 09/23/2004
- Oath or Declaration filed on 09/23/2004
- Small Entity Statement filed on 09/23/2004
- U.S. Basic National Fees filed on 09/23/2004
- Priority Documents filed on 09/23/2004
- Power of Attorney filed on 09/23/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$1250 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - does not identify the application to which it is directed.

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- \$65 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$1315** for a Small Entity:

- \$65 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$ 1250**
  - \$1250 for 50 total claims over 20.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/509,532                  | PCT/EP03/02839                | AP035-04         |

FORM PCT/DO/EO/905 (371 Formalities Notice)

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